

ED PASTOR
4TH DISTRICT, ARIZONA

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FINANCIAL SERVICES, AND RELATED AGENCIES

CHIEF DEPUTY DEMOCRATIC WHIP



Congress of the United States
House of Representatives

August 21, 2012

PLEASE REPLY TO:

☐ 2485 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0304
(202) 225-4065

☐ 411 NORTH CENTRAL AVENUE, SUITE 150
PHOENIX, AZ 85004
(602) 258-0551

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, Southwest
Washington, DC 20554-0005

Dear Chairman Genachowski:

I am writing with respect to the television broadcast incentive auction that Congress authorized as part of the Middle Class Tax Relief and Job Creation Act of 2012. Congress adopted this measure to permit those television licensees that want to exit the broadcast business to do so voluntarily, thereby freeing up frequencies that could then be reallocated for wireless broadband services.

As you know, the demand for reallocated spectrum is likely to be greatest in the largest U.S. markets. Not surprisingly, those also happen to be the largest television markets with the largest number of viewers. In Arizona for example, the greatest shortage of spectrum is likely to be in the Phoenix market.

While increasing the amount of spectrum allocated to wireless broadband fulfills an important national goal, it is equally important that the Federal Communications Commission protect the ability of the public to continue to receive free over-the-air television signals from those television stations that will continue to provide service after the auction is over.

In my view, maintaining access to free over-the-air television service is an increasingly important goal for the Commission to achieve. Recent statistics demonstrate that the number of Americans who rely exclusively upon free over-the-air service has grown significantly to nearly 54 million, and the trend line indicates that the number of over-the-air households is likely to continue to grow.

For this reason, the plan that the Commission adopts for remaining television must not adversely affect the ability of viewers to continue receiving the free local programming that they currently receive. Thus, I believe it is critical that the Commission adhere to a policy of transparency, disclosing its plans to the public at the earliest possible opportunity, to maximize the ability of those who may be affected by the Commission's actions to evaluate and understand how the proposed changes will affect them.

Freeing up spectrum to increase the amount available for wireless broadband services is important. But, achieving that goal should not come at the expense of the television viewing

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public who rely on free over-the-air television, such as those in Arizona. In keeping with all relevant rules and regulations, I am hopeful you will consider disclosure as you implement this important new statute, and make available to the public all of the information available to the Commission, allowing enough time for stations to determine how they may be affected.

Thank you for your attention to this request, and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, reading "Ed Pastor". The signature is fluid and cursive, with the first name "Ed" and last name "Pastor" clearly distinguishable.

Ed Pastor
Member of Congress

EP/le



FEDERAL COMMUNICATIONS COMMISSION

November 15, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Ed Pastor
U.S. House of Representatives
2465 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Pastor:

Thank you for your letter urging the Commission to conduct its proceeding to implement the incentive auction of broadcast television spectrum in an open and transparent manner. I appreciate the hard work of Congress to establish this significant new tool in spectrum policy. Your concerns about the future of free over-the-air television are very important, and your correspondence will be included in the record of the proceeding for Commission consideration.

The Commission's work in its incentive auction proceeding is guided by a set of core goals and principles that include maximizing broadcaster participation by, among other things, making the auction process as transparent and easy-to-understand as possible. The broadcaster LEARN program, which is underway already, is designed specifically to reach out to educate, and to solicit substantive input from broadcasters on all aspects of the incentive auction.

I appreciate your interest in this matter and will keep you apprised of the Commission's progress. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name.

Julius Genachowski